



## Bosnia and Herzegovina

### Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
March 4, 2002

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) ended the 1991-95 war and created the independent state of Bosnia and Herzegovina (BiH), previously one of the constituent republics of Yugoslavia. The agreement also created two multiethnic constituent entities within the state: the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation has a postwar Bosnian Muslim (Bosniak) and Croat majority while the RS has a postwar Bosnian Serb majority. The Constitution (Annex 4 of the Dayton Accords) established a central government with a bicameral legislature, a three-member presidency (consisting of a Bosniak, a Serb, and a Croat), a council of ministers, a constitutional court, and a central bank. The Accords assigned many governmental functions to the two entities, which have their own governments, parliaments, and police forces. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The High Representative also has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords. In the Federation, the President appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Federation structures continued to be implemented only gradually. Serious ethnic and political rivalries continued to divide Croats and Bosniaks. Parallel Bosniak and Croat government structures continued to exist in practice in some areas of the Federation. In the RS, the President and Vice-President are directly elected, while a Prime Minister selected by Parliament heads the Government. The unicameral Parliament, called the RS National Assembly, is elected on a proportional basis. In the city of Brcko, which is a "self-governing neutral district," an internationally appointed supervisor with executive authority is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly. The judiciary remained subject to influence by nationalist elements, political parties, and the executive branch and was unable to prosecute all but the simplest crimes fairly and effectively.

Following elections held in November 2000, a new central government took power on February 22, consisting of a post-election coalition that excluded the nationalist, ethnically-based wartime parties from power. This coalition--the Alliance for Change--is centered around multiethnic parties, with the Social Democratic Party (SDP) and the Party for Bosnia and Herzegovina (SBiH) being the largest two. The Alliance also came to power in the Federation. However, the Bosniak Party for Democratic Action (SDA), which continues to be identified as a nationalist party, and the Croat-nationalist Croatian Democratic Union (HDZ) remained powerful, particularly in areas with nationalistic tendencies. The nationalist Serb Democratic Party (SDS), founded by wartime Serb leader Radovan Karadzic, won a significant plurality in the RS in the November 2000 elections. While its coalition partner in the RS Government, the Party for Democratic Progress (PDP) of RS Prime Minister Mladen Ivanic, is relatively moderate, it is dependent on the SDS in order to remain in office.

The Constitution gives the Government of each entity responsibility for law enforcement in accordance with internationally recognized standards. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to provide a secure environment for implementation of the nonmilitary aspects of the settlement, such as: Civilian reconstruction, the return of refugees and displaced persons, and freedom of movement of the civilian population. The International Police Task Force (IPTF), which was established by the U.N. under Annex 11 of the Dayton Accords, monitors, advises, and trains the local police. The IPTF also may investigate human rights abuses. In addition to locally recruited police forces, the entities maintain separate armies, but, under the Constitution, these are under the ultimate control of the presidency of Bosnia and Herzegovina. During the year, police in both the Federation and the RS used internal affairs units to investigate and dismiss officers for committing abuses. Police continued to suffer from the legacy of a Communist system, with "special" or secret police operating in all areas. These forces operated outside the normal police chain of command, exceeding ethnic quotas and reporting directly to the senior political leadership. Security forces, particularly members of the police in both entities, committed numerous human rights abuses in many parts of the country.

The economy remained weak and heavily dependent on international assistance. The entity Governments made progress on reforms mainly in the banking and finance sector, but privatization of state-owned strategic enterprises and improvements in the investment climate remained slow. Gross domestic product (GDP) is estimated at \$5 billion. However, per capita GDP stood at only \$1,000 (2,245 KM), which was approximately half the prewar level. Official unemployment estimates ranged from 30 to 50 percent, and many individuals were forced into the informal economy for work. Workers in the unofficial market typically receive no benefits, but those with formal employment often were paid only partial salaries and months late. Pensions and other benefits also were paid only in part and often were delayed due to a lack of government revenues.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The degree of respect for human rights continued to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities. Police continued to abuse and physically mistreat detainees and other citizens. In the RS, police detained suspects for long periods of time before filing charges; lengthy prearrest detention was also a problem in the Federation. However, there were fewer cases of arbitrary arrest and detention than in the previous year. Police commonly failed to act on complaints of police brutality and rarely were held accountable for their actions. Prison conditions met prisoners' basic minimum needs for hygiene and access to medical care; however, overcrowding and antiquated facilities continued to be problems. Although the RS Parliament passed a law on cooperation with the Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) in September, the RS continued its de facto refusal to take action against any Serbs indicted by the ICTY. In the Federation, the Government cooperated with the ICTY and facilitated the transfer of three Bosniak generals in August and of a Federation Government minister in September. The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch. Overlapping and poorly defined layers of judicial responsibility and outdated procedures made the administration of justice sporadic and vulnerable to manipulation. Even when independent decisions were rendered, local authorities often refused to carry them out. Authorities in all areas infringed on citizens' privacy rights. The destruction of minority-owned houses continued in some areas of the RS and in Croat-controlled areas of the Federation.

Authorities and dominant political parties exerted influence over the media, and freedom of speech and of the press was restricted to varying degrees in the different entities. Government pressures against journalists remained high during the year, although threats of physical violence decreased. Academic freedom was restricted. Authorities continued to impose some limits on freedom of assembly and association. Both Governments and private groups continued to restrict religious practice by minorities in majority areas. Although freedom of movement continued to improve, some restrictions remained in practice. Police failed to ensure security for refugees returning to areas in which they were an ethnic minority.

Violence against women, in particular domestic violence, was a persistent yet underreported problem and discrimination against women persisted. Religious discrimination remained a problem. Severe discrimination against ethnic minorities continued in areas dominated by Serb and Croat ethnic groups, with some discrimination in Bosniak-majority areas, particularly regarding the treatment of refugees and displaced persons. Isolated instances of political, ethnic, or religious killings continued. The political leadership at all levels, in varying degrees but more so in the RS than in the Federation, continues to obstruct minority returns in certain localities. Members of society, organized by local authorities, harassed minorities and violently resisted their return in some areas. Enactment of property legislation to facilitate minority returns proceeded in both entities under pressure from the international community, but implementation was sporadic and slow. Trafficking in women and girls was a serious problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings committed by the Government or its agents this year.

An estimated 1 million landmines were planted in the country during the 1992-1995 wars. Since 1995 landmines have killed 318 persons; 34 during the year.

In March six persons were indicted and charged with organizing and carrying out the assassination of Jozo Leutar, the former Federation Deputy Minister of the Interior, in 1999. Their trial was ongoing at year's end. Federation authorities were also investigating further indictments in the case. There were no new developments in the IPTF investigation of the death in police custody of a Bosniak returnee who had killed the leader of an Orthodox religious association in 1999.

In October police discovered the bodies of Father Matanovic, who disappeared from Prijedor in 1995 (see Section 1.b.) and his parents in the well of their family residence in Rizvanovici. Autopsies revealed that their hands had been bound with RS police-issued handcuffs and that each had been shot in the head with police weapons. Following the discovery, RS police investigators determined that police officials illegally arrested and executed Father Matanovic and his parents and recommended that the prosecutor pursue war crimes charges. Several former RS police officials were under investigation at year's end, but no arrests were made. On May 28, based on the independent evidence accumulated by the U.N. Mission in Bosnia and Herzegovina (UNMIBH), the IPTF commissioner had deauthorized (see Section 1.c.) three Prijedor police officers for their involvement in the illegal detention and disappearance of Father Matanovic.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished, including war criminals indicted by the ICTY, individuals responsible for the up to 8,000 killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for up to 13,000 others still missing and presumed killed as a result of "ethnic cleansing" in Bosnia (see Section 1.b.). The local prosecution of war crimes cases has proceeded slowly due to political interference, however Bosnian authorities made some progress during the year with the arrest and trial of several suspects in the Bosnian courts (see Section 4).

There was an increasing number of voluntary surrenders of Serb, Croat, and Bosniak war crimes suspects. On January 10, Biljana Plavsic, former Republika Srpska President, surrendered voluntarily and was transferred to ICTY custody. She was charged with genocide and other crimes against Bosnian Muslims and Bosnian Croats. On March 12, Blagoje Simic, formerly the senior civilian official in Bosanski Samac in the RS, surrendered voluntarily and was transferred to ICTY custody. He was charged with crimes against humanity stemming from the persecution and killing of Bosnian Muslims and Bosnians Croats during the war. On August 15, Dragan Jokic, a lieutenant colonel on active service with the Bosnian Serb Army, surrendered voluntarily. He was arrested on a sealed indictment in connection with the 1995 Srebrenica massacre. On September 25, Sefer Halilovic, former commander of the Bosnian (Muslim) Army, surrendered voluntarily; he was indicted due to his command responsibility for crimes including killings allegedly committed against Bosnian Croats in 1993.

SFOR and local authorities arrested numerous war crimes suspects. For example, on August 2, Bosnian Federation police arrested Enver Hadzihanovic, Mehmed Alagic, and Amir Kubura and transferred them to ICTY custody on August 4. The three are former senior Bosnian (Muslim) army officers, charged with failing to exercise their command authority to halt alleged crimes, including killings, against Bosnian Croats in 1993. On August 10, the SFOR detained Vidoje Blagojevic, a colonel on active service with the Bosnian Serb Army, and transferred him to ICTY custody. He was arrested on a sealed indictment in connection with the 1995 Srebrenica massacre.

On June 28, the Travnik Cantonal Court convicted Hanefija "Paraga" Prijic for war crimes in the 1993 killing of three Italian humanitarian workers. Prijic received a 15-year sentence; this was the first serious conviction before a BiH Court of a high-ranking BiH Army officer for war crimes charges.

On April 1, in the Federal Republic of Yugoslavia (Yugoslavia), Yugoslav police arrested Slobodan Milosevic, the former President of Serbia and Montenegro (Yugoslavia), and transferred him to ICTY custody on June 29. He was charged with genocide in Kosovo and Bosnia. Yugoslav authorities also arrested and transferred several other indictees for war crimes committed in Bosnia.

Violent incidents continued throughout the year, many between members of different ethnic groups or political parties. In January unknown assailants killed a Bosniak woman in her apartment in Banja Luka. In May a rioting crowd protesting the laying of a cornerstone for the reconstruction of the Ferhadija Central Mosque killed a Muslim man (see Section 2.c.). On July 11, on the sixth anniversary of the massacre in Srebrenica, unknown assailants fired shots at a Bosniak returnee's house near Vlasenica and killed a 16-year old Bosniak girl standing near the window. Gunfire had struck the same house 2 months earlier, wounding a Bosniak man in the neck. Police detained a Serb suspect for several days, but later released him; no other suspects were arrested by year's end. On November 3, unknown assailants killed a Bosniak returnee in a knife attack near Prijedor. On November 16 in Pale, unknown assailants killed an elderly Bosniak with an axe; police had not arrested any suspects by year's end.

There were no developments in the 2000 killing of Ljubisa Savic, known as Mauser, the former RS Minister of Interior Chief of Uniformed Police. His death was seen by many as the result of conflicts between Serb political factions and criminal elements. A series of attacks on Croat policemen in Travnik in 1999 remains unsolved.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year. There remained an estimated 20,000 to 30,000 persons missing from the wars in 1991-95.

Under an OHR-mediated agreement reached in 1996, exhumations are carried out by the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons. The commissions are free to carry out exhumations and collect unburied mortal remains in territory under the authority of another majority ethnic group using an established notification system. The International Commission for Missing Persons (ICMP), which operates in all countries of the former Yugoslavia, reported that the remains of an estimated 2,500 persons had been recovered during the year, including a mass grave found in Jakarina Kosa near Prijedor containing the remains of 372 Muslims, the largest mass grave discovered in the country. This number was significantly higher than in the previous year because the Federation Government increased the budget for courts involved in the exhumation process. The ICMP established an in-country DNA identification system, which began operations in October, in three DNA laboratories in Sarajevo, Banja Luka, and Tuzla. The ICMP collected 18,230 blood samples in the country of relatives of missing persons to aid in the DNA identification of approximately 4,000 unidentified recovered remains, exhumed primarily from around Srebrenica. During the year, the ICMP identified 117 recovered remains using DNA techniques. The Missing Persons Institute (MPI), a state institution opened in August 2000, continued to prepare to eventually take over responsibility from the ICMP for recovering and identifying human remains and supporting families of the missing.

The International Committee of the Red Cross (ICRC) reported that since 1995 it has received requests from family members to trace 20,741 persons missing from the war years, including 17,191 Muslims, 723 Croats, 2,577 Serbs, and 250 others. A total of 2,498 of these persons have been accounted for (300 of whom were found alive). The ICRC noted that in 1999 it suspended further meetings of the Working Group for Tracing Missing Persons--created by the Dayton Peace Agreement to serve as a channel for passing tracing requests to local authorities--due to lack of cooperation from local authorities. At year's end, the ICRC was attempting to reconstitute the group with new representatives.

Authorities in the RS have failed to conduct full investigations into several wartime disappearance cases, as ordered by the Human Rights Chamber of Bosnia and Herzegovina. For example, by year's end, RS authorities had failed to comply with the BiH Human Rights Chamber's 1997 order to conduct a full investigation into the disappearance of Father Tomislav Matanovic from Prijedor in 1995, whose body was discovered in October (see Section 1.a.).

In January the Human Rights Chamber ordered the RS to immediately conduct a full investigation to determine the fate of Colonel Avdo Palic, a military commander of the Army of BiH in the Zepa enclave who disappeared in 1995. In July of that year, during fighting with Bosnian Serb forces in the area, Bosnian Serb forces forcibly took Palic away in the presence of U.N. soldiers while negotiating on U.N. premises under a U.N. safety guarantee over the evacuation of civilians. The Chamber found there was strong circumstantial evidence that Palic remained in detention after December 14, 1995. The Chamber ordered the RS to release Palic if he was still alive or make available his mortal remains and all information on his fate. By year's end, the RS had not conducted an investigation or paid the monetary compensation to Palic's family awarded by the Chamber.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment; however, in all areas of the country, police abused and physically mistreated persons at the time of arrest and during detention.

Police continued to abuse their authority and beat suspects during arrest or in detention, although instances of police brutality declined compared to previous years. While the number of complaints against police officers remained relatively constant compared to the previous year, the severity of the violations reduced significantly. Of the 193 incidents of police misconduct reported to the IPTF during the period from April 1 to June 30, 113 involved officers from the Federation, 78 from the RS, and 2 from the Brcko District. Categories of misconduct include assault, beatings in custody, excessive use of force, ill treatment, harassment, police inaction, illegal detention, restriction of movement, improper seizures, abductions, sexual assaults, negligence, corruption, and abuse of power.

Police commonly failed to act on complaints of police brutality, and punishments that were handed down were usually mild and often done only under pressure from the IPTF or other international monitors. Police rarely were criminally charged in brutality cases. Victims of police abuse were usually reluctant to report instances for fear of retribution. However, investigations by Professional Standards Units, which have become increasingly effective, resulted in fines, suspensions, and employment terminations, as well as several criminal convictions.

During the year, the IPTF deauthorized 69 police officers from exercising police powers, the largest number of any year to date. All deauthorizations were in response to serious acts of misconduct. While the IPTF may revoke officers' authority to exercise police powers, it is the responsibility of local police to fire the officers or to file criminal charges. Deauthorized police officers often were shifted to jobs not requiring them to exercise

police powers and rarely were fired or criminally charged without pressure from the IPTF. Many officers were deauthorized for pledging allegiance to the HDZ's Croat self-government effort (see Section 3), while others were deauthorized for direct involvement in crime. On February 27, the Canton 8 Ministry of the Interior Disciplinary Board found two Posusje police officers guilty of severely beating two Bosnian Croat men. Despite the seriousness of the offense, the two officers only received punishments of 10 percent salary reductions for 3 months, and no criminal charges were brought against the officers. On May 28, the Sokolac Basic Court found six former RS police officers guilty of abuse of authority and torture in connection with their investigation into the 1998 killing of Srdan Knezevic, the former Pale Deputy PSC Chief, and sentenced them to prison terms ranging from 75 days to 11 months only. The Court found a seventh defendant, Slavko Kovacevic, innocent despite strong evidence against him, and an eighth defendant had been dropped from the case earlier due to lack of evidence. On June 7, the IPTF deauthorized two police officers from Bijelina; one of the officers had beaten a Bosniak visitor in the municipality while his supervisor had failed to intervene. The Bijelina police did not send a criminal report to the public prosecutor, and a Bijelina Police Disciplinary Commission failed to recognize criminal responsibility; instead the Commission found the two officers guilty of violation of duty for failing to notify their supervisor of using force, and fined them a portion of their salaries over 6 months.

In October the IPTF also began deauthorizing police officers involved in war crimes. For example, on November 27, the IPTF deauthorized three Foca police officers for being linked to war crimes. On December 4, the IPTF deauthorized two Muslim police officers who were interrogators of non-Muslims at the Silos "detention center" in Tarcin during the 1992-1995 war, where they allegedly ordered or participated in the physical abuse of civilian prisoners. There were approximately 200 police officers, many of who are believed to have served in paramilitary groups involved in war crimes or to have served as concentration camp guards or interrogators, under investigation at year's end. Of those under investigation for involvement in war crimes, many were in the RS. Of the officers deauthorized during the year, 15 were removed for involvement in war crimes. Three of these police officers were from the Federation and 12 were from the RS.

A pattern of poor police protection and of violence against minority communities continued in several areas, particularly in the eastern RS. Police in Janja, Zvornik, Bratunac, Vlasenica, Visegrad and Trebinje proved unwilling or unable to contain the numerous instances of attacks on returnees (see Section 2.d.). In June the RS Minister of the Interior removed the Bijeljina Police Chief and Deputy Chief, in part for their failure to ensure that the Bijeljina and Janja police responded appropriately to minority return related incidents. The area covered by the Bijeljina police department has seen the highest incidence of minority return related violence in the country.

Police were involved in trafficking in persons (see Section 6.f.).

Police failed to intervene to stop attacks in violent riots in May by Serb demonstrators protesting the rebuilding of mosques in Trebinje and Banja Luka (see Sections 2.c. and 5). Previous reports that police joined in the riots in Banja Luka have not been substantiated.

On December 26, Sujleman Tihic, the Bosniak Deputy Speaker of the RS National Assembly, claimed that a security guard threatened to kill him. By year's end, Tihic's complaint to the Assembly leadership had not resulted in an investigation or disciplinary action.

An RS Ministry of the Interior investigation into police failures to respond to riots in Bijelina and Janja in July 2000 concluded that police had responded properly, despite strong evidence to the contrary from international observers. Three individuals were acquitted of charges of inciting the riots when Janja police officers contradicted their official reports and refused to identify the perpetrators in court. The four police officers subsequently were fired under pressure from the IPTF and then in September were convicted of perjury. In March the IPTF deauthorized the Janja police officer who had been police chief at the time of the riots.

The IPTF continued to make significant progress in its efforts to restructure and increase professionalism in the police forces. After completing a preliminary process of authorizing all police officers, the IPTF continued to conduct a more thorough vetting process in which all officers must pass an in-depth background check and take IPTF training before receiving full police certification. During the year, the IPTF completed its program to provide human rights and basic skills training to all Federation and RS police officers.

An estimated one million landmines were planted by conflicting forces in the country during the 1992-1995 wars. Since 1995 landmine explosions have injured 945 persons; 34 persons were injured in 2000.

Individual and societal violence motivated by ethnic conflict continued to be a serious problem and numerous bombings, shootings, and assaults caused deaths, injuries, and significant material damage (see Sections 2.d. and 5); however, violence decreased compared with 2000. Such violence often was connected to the return of refugees and displaced persons to their prewar homes in areas where the returnees are a minority (see

Section 2.d.). The number of incidents of violence against minorities was approximately twice as high in the RS as in the Federation. The severity of incidents in the RS remained far greater than in the Federation and Brcko District. While the majority of incidents in the Federation involved verbal harassment and occasional damage to property, the incidents in the RS involved the use of explosives, shootings, physical attacks, significant damage to property, and violent demonstrations. Police investigations into the serious incidents in the RS have been poor and few perpetrators were brought to justice.

There continued to be numerous violent incidents directed at returning refugees (see Sections 2.d. and 5). There was some violence against elected government officials, particularly by members of the HDZ (see Section 3). Sporadic violence against international community representatives continued throughout the year (see Section 4). Violence against journalists, including physical assaults, continued (see Section 2.a.).

Prison standards for hygiene and access to medical care met prisoners' basic needs; however, overcrowding and poor, antiquated facilities remained chronic problems. Corruption among prison officials caused food shortages and the degradation of other services in a few prisons. There were prisoner protests in Tuzla, Foca, and Zenica prisons during the year. In Foca prisoners conducted hunger strikes and refused to return to their cells, demanding that the RS legislature pass an amnesty law to pardon them. In Tuzla prisoners complained about inadequate food and the warden's use of prisoners to work in his private business. In October Federation officials dismissed the warden of Tuzla prison and his deputy. Conditions were worse in police detention facilities, where overcrowding and inadequate food and hygiene are chronic problems. Male and female prisoners are held separately, as are juveniles from adults, and pretrial detainees from convicted criminals.

International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in both entities. The Government permits visits by independent human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remained a problem, although there were fewer cases of arbitrary arrest and detention during the year in both the Federation and the RS than in the previous year. In prior years, police in both entities enjoyed great latitude based on Communist-era criminal procedure laws that permitted them to detain persons for up to 6 months without bringing formal charges against them. In 1998 the Federation revised these laws, removing this power from police and vesting it solely in the investigative judge; however, the Communist-era detention laws remained in force in the RS. Federation law permits prearrest detention of up to 24 hours; in the RS prearrest detention may extend for 3 days. International monitors reported numerous instances in which these deadlines were violated. In both the Federation and the RS, the lack of standardized recordkeeping in custody cases led to violations of detention deadlines.

Some accused persons in the RS and the Federation have remained in detention for several years while awaiting a final action by the appellate court. The absence of habeas corpus provisions means that some detainees are effectively penalized without a sentence. Laws in both entities require detentions for persons accused of serious crimes regardless of their risk of flight. The absence of psychiatric facilities in the Federation and the RS has led to persons being detained rather than properly treated.

Human rights NGO's claimed that there were cases in which persons who ostensibly were detained on criminal charges actually were detained for political reasons. For example, in August the Sarajevo Canton prosecutor appealed for the second time the acquittal of Ibrahim Djedovic on war crimes charges, keeping alive a case that was brought for political motives. Djedovic, a parliamentary deputy for the Democratic National Union (DNZ), which the Bosniak SDA views as a renegade party due to its activities during the war, was arrested and detained in May 1997 for war crimes after he arrived in Sarajevo to take up his parliamentary seat. The ICTY investigated Djedovic and decided not to arrest him for his alleged activities. Most local and international observers believe that Djedovic was arrested due to his political affiliation and not because of alleged war crimes. In March 2000, after almost 3 years in prison, he was released after winning an appeal; he returned to his seat in the Parliament 2 months later.

The Constitution prohibits forced exile, and the Government did not use it.

#### e. Denial of Fair Public Trial

Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and some political parties continued to influence the judicial system. The legal system is unable to adequately protect the rights of either victims or criminal defendants because of its inefficient criminal procedure codes

and ineffective trial procedures. The judiciary remains subject to influence by political parties. Judges and prosecutors who show independence are subject to intimidation, and local authorities may refuse to carry out their decisions.

In August in the Federation, the law was amended to make rules of jurisdiction in Croat-dominated cantons the same as in other cantons; as a result, original court jurisdiction exists in both municipal and cantonal courts, with more serious offenses typically tried in the cantonal courts. Appeals are taken to the Federation Supreme Court. In August 1999, the OHR imposed a law allowing the Federation Supreme Court to claim immediate jurisdiction as the "court of first instance" in cases involving terrorism, organized crime, smuggling, and intercantonal crime, which would be difficult for lower courts to try because of pressure from political parties. However, no such cases had been tried in the Supreme Court by year's end. The Federation Constitution provides for the appointment of judges by the President, with the concurrence of the Vice President and the approval of the Assembly, to an initial term of 5 years. Judges may be reappointed following this initial term to serve until the age of 70.

The RS has both basic and district courts, with the district courts having appellate jurisdiction and first instance jurisdiction in cases carrying a possible sentence of more than 10 years. The RS judicial hierarchy includes a Supreme Court to provide for the unified enforcement of the law and a Constitutional Court to assure conformity of laws, regulations, and general enactments with the Constitution. Judges and prosecutors in the RS are appointed and recalled by the National Assembly and have life tenure.

There has been little or no cooperation between the separate structures of courts and prosecution agencies in the Federation and the RS. Cooperation between police and courts in the different entities is weak. Although there have been isolated instances in which the 1998 Memorandum on Inter-Entity Legal Cooperation has been used successfully, little sustainable progress has been made in creating viable and effective structures for such cooperation. For example, there is no mechanism between the Ministries of Interior to enable arrest warrants to be executed throughout the country.

Some political leaders and organized crime figures attempted to influence judicial institutions and prosecutorial offices in both entities. Government officials and nationalist elements in the past have exerted political pressure to obstruct investigations by law enforcement agencies. Some politicians and other powerful figures continued to exert influence on cases before the courts. Court files often contained letters from politicians about particular cases and politicians often make public statements blaming judges or prosecutors for carrying out their duties. Organized crime elements also sought to pressure judges. The criminal justice system did not effectively investigate or prosecute serious crime or corruption cases. A lack of resources and a huge backlog of unresolved cases provided a convenient excuse for judicial inaction.

Even when the courts rendered a fair judgment, local officials and the court police often ignored or refused to implement their decisions. This was especially true for those who won decisions mandating the eviction of illegal occupants from their property, although this improved somewhat during the year under pressure from the international community (see Section 1.f.).

Enforcement of civil judgements remained weak due to the lack of cooperation between courts and police generally, the low priority given to enforcement cases by the courts, and the many legal loopholes that allow debtors to delay or avoid enforcement.

However, there is a growing recognition in the judiciary, media, and the public that the judiciary must be independent. New procedures implemented during the year for appointing judges and prosecutors through judicial commissions have increased moderately the independence of the legal system. In June 1999, judicial associations in both entities adopted identical codes of ethics for judges and prosecutors. Laws enacted in 2000 provide a merit-based, nonpolitical structure for the appointment and dismissal of judges and prosecutors and provide uniform standards for their professional conduct. The laws provide for a review period, during which all prosecutors and sitting judges who fall below the standard of professionalism set out in the laws will be removed. The process of vetting all of Bosnia's sitting judges and prosecutors continued during the year. By year's end, 1,384 complaints had been received from the public about sitting judges and prosecutors as part of the review process; however, only two judges had been removed. Local and international observers charged that the local commissions tasked with vetting the judges and prosecutors have been reluctant to remove unfit prosecutors and judges, have not adequately investigated many charges of misconduct, and have ignored evidence of serious misconduct in several cases. An internationally-appointed Independent Judicial Commission (IJC) became fully operational in May to oversee the review process. The IJC director reports to the High Representative, who has the power to remove unfit judges and prosecutors if the local commissions fail to act. During the year, the IJC monitored the review of sitting judges and prosecutors and set up fair and transparent procedures for the selection of new judges and prosecutors.

Both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel. However, an inefficient criminal procedure code results in long delays in trials and few final verdicts. Appellate courts frequently send cases back to first instance courts to correct minor errors in order to avoid making final decisions on cases. First instance courts are overburdened with the responsibility for gathering evidence during the preliminary examination stage, a task that lies with the investigative judge rather than the prosecutor, resulting in a prolonged judicial process.

In March the OHR imposed amendments strengthening laws protecting the identity of witnesses in sensitive cases in the Federation. The law provides that only the Federation Supreme Court will carry out questioning of protected witnesses with defense counsel permitted to submit written questions; however, international observers note that it is often easy to deduce the identity of the protected witness. No similar witness protection legislation exists in the RS.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman (see Section 4). The Chamber may consider alleged violations of the European Convention on Human Rights if the matter is within the responsibility of one of the parties to the Dayton Agreement and occurred after its signing. Decisions of the Chamber are final and may not be appealed to the Constitutional Court.

Implementation of Human Rights Chamber decisions by local authorities improved in both the Federation and in the RS. The Federation has implemented almost all Chamber decisions, taking the remedial action ordered and paying all compensation awards. However, while the RS made some progress in implementing Chamber decisions compared to the previous year, it has ignored a large number of decisions, including several high profile cases and many involving compensation awards. The cases implemented in the RS have required only relatively simple actions by the Government, such as canceling eviction orders for residents who were still living in contested houses.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to "private and family life, home and correspondence," and the right to protection of property; however, authorities in all areas infringed on citizens' privacy rights.

In the RS, police routinely conducted searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. For example, of 79 police searches conducted in the RS in January, only one search warrant was obtained. This problem has not been observed in the Federation.

Since the war, large numbers of citizens have been unable to reclaim their property, either privately or collectively owned, to which they had occupancy rights under the Communist system. Enactment of property legislation proceeded extremely slowly in both entities under pressure from the international community. In the Federation, as of the end of November, 78 percent of property claims had been adjudicated and 48 percent of the property returned; in the RS only 47 percent of property claims had been decided and only 29 percent of the property returned. By some estimates, resolving property claims in the RS will take another 8 or 9 years. The political leadership at all levels in both entities, but especially in the RS and in Croat areas of Herzegovina, continued to obstruct minority returns by delaying needed reforms and not implementing evictions and other property-related decisions. In Sarajevo delays persisted due to the large backlog of cases, but political manipulation and obstruction decreased. During the year, approximately 15,000 Serbs returned to Sarajevo Canton, usually following evictions of illegal occupants from their homes.

Housing authorities responsible for implementing property law were threatened or intimidated into resigning. In the spring, an enraged Serb facing eviction entered the office of the head of the housing department in Bosanski Samac, waving a Kalashnikov assault rifle. The housing department head resigned shortly afterwards.

During the year, the Human Rights Chamber and Human Rights Ombudsmen issued numerous decisions in cases where local authorities failed to return apartments or homes to legal owners seeking to return to their prewar homes (see Sections 1.e. and 4). Most applicants were in possession of certificates issued by the Commission for Real Property Claims (CRPC), which are final and binding, determining they held legal occupancy rights; however, local authorities had failed to evict illegal occupants as required by law. In February the Chamber ordered the Federation to immediately enable two applicants to regain possession of their apartments in Mostar after local officials failed to evict illegal occupants within the time limits prescribed by law. The Chamber issued similar decisions ordering local authorities to reinstate occupancy rights holders



into homes in Novo Sarajevo, Srpska Ilidza, Sanski Most, and Sarajevo.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides a general statement supporting freedom of speech and of the press, although actual laws regarding freedom of the press are delegated to the cantons in the Federation, and to the central authorities in the RS; however, freedom of speech and of the press was respected partially in the Federation and in the western RS, but was restricted more severely in the Eastern RS and in Herzegovina. The primary restraints on press freedom are control of the principal media by governing political parties, intimidation and attacks on journalists, and politicized use of tax and financial inspections. While there were some improvements in the development of a free and independent press, most media continued to be biased noticeably. Threats to journalists remained high, although the severity of incidents of harassment declined. There has been a significant decrease in the selective application of the slander laws by authorities to punish opponents since the High Representative suspended criminal penalties for libel in July 1999. In July the RS National Assembly adopted the Law on Defamation, which provides for civil penalties for disseminating false and damaging information about another individual or business. In December 1999, the Federation presented a draft Law on Compensation for Damage Caused by Defamation and Libel, which was criticized severely for the excessive fines it sanctioned. The law had not yet been adopted at year's end.

During the year, both the Federation and RS Governments adopted the Freedom of Access to Information Act, which establishes a general right of public access to government information. The national Parliament had adopted the legislation in October 2000.

Government officials in both entities pressured media outlets to change editorial policies. Media outlets also were harassed through the misuse of government agencies, by performing tax audits or cutting off power and telephone lines. In April the OSCE-sponsored media helpline registered a sharp increase in complaints from radio and television stations in Croat-dominated areas about pressure, threats, and intimidation of editors and staff from the nationalist Croat HDZ party and other supporters of Croat self-government. The sharp increase followed the placement of Herzegovacka Banka under provisional administration on April 6 and continued in the following days (see Section 1.c.). The stations reported receiving direct instructions from HDZ officials on the content and timing of statements to be broadcast and threats of firings for failure to comply. Elsewhere in the Federation, the new Government exerted pressure on journalists to stifle critical press stories and journalists reported frequent calls and visits from government officials applying pressure to change editorial policies. In the RS, the Government that came to power after the November 2000 elections asserted its control over state-owned media outlets, including over their editorial policy. RS journalists complained that, in particular, the wartime nationalist SDS party, which returned to power as part of the new governing coalition, used its power to appoint steering board members to stifle opposition viewpoints in state-owned media outlets. Independent media outlets claimed the Government prevents state-owned companies from advertising in their outlets and journalists say that access to government information is more restricted than before.

Some opposition and independent newspapers operate in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Dnevni Avaz, which owns the only independent printing house in Sarajevo, is the highest circulation daily in the country. Originally allied to the SDA party, the paper reportedly switched its allegiance to the SDP party and the Government. Dani and Slobodna Bosna are the most influential independent magazines in the Federation. One of the few independent magazines in the RS is Reporter, a weekly published by a former correspondent of the Belgrade-based independent magazine Vreme. Nezavisne Novine is an independent newspaper distributed throughout the country; however, its circulation is limited.

There are two printing facilities in the Federation; the government-controlled Oko company and the facility owned by the newspaper Dnevni Avaz. In the RS, the state-owned printing company, Glas Srpski, has a virtual monopoly.

Government officials, especially in the RS, exerted economic pressure by directing the advertising business of state-owned companies away from independent media outlets critical of the Government. Some independent media in the two entities, for example, Dani and Reporter, assist in the distribution of each other's publications in their respective entities.

The Independent Media Commission (IMC), established by the High Representative in 1998, is empowered to regulate broadcasting and other media in the country. In this capacity, the IMC licenses broadcasters, manages and assigns frequencies for broadcasting, sets licensing fees, and enforces adherence to the code of practice. The IMC has broad authority to punish violations to the code of practice. It may issue warnings, impose fines, suspend or terminate licenses, seize equipment, and shut down operations of any broadcaster or

media outlet in violation of the code of practice. The IMC issued numerous fines for violations of broadcasting standards to stations in both entities during the year.

The largest television broadcasters are Radio Television Bosnia and Herzegovina (RTV BiH) in the Federation and Radio Television of Republika Srpska (RTRS) in the RS. The international community launched the Open Broadcast Network (OBN) in 1997 as a cross-entity broadcaster and source of objective news and public affairs programming; however, because of massive financial problems, it lost most of its affiliates and staff. Reduced to only a Sarajevo broadcaster, in September OBN announced the formation of an independent network with NTV, a station in Banja Luka. There are dozens of small independent television stations located throughout the country. Some of these broadcasters originally were municipal stations; they have not yet been fully privatized, and their legal ownership status remained unclear.

The High Representative's decision of July 1999 to restructure the broadcasting system of Bosnia and Herzegovina still has not been implemented fully. The restructuring was to liquidate the existing broadcaster, Radio Television Bosnia and Herzegovina, and create a statewide public broadcasting corporation, the Public Broadcasting System of Bosnia and Herzegovina (PBS BiH).

The July 1999 decision also established Radio Television of the Federation of Bosnia and Herzegovina (RTV FBiH) as the public broadcasting company of the Federation. Scheduled to launch in the first half of the year, RTV FBiH was to broadcast on two channels offering a blend of Bosniak and Croat programming, but had not begun broadcasting by year's end. The OHR reported that obstruction from political parties and from within the broadcaster were responsible for the delay; journalists and government officials argued that the problem was with OHR's leadership.

The August 1999 decision by the High Representative imposing amendments to the RS broadcasting law has not been implemented fully. In 2000 the High Representative dismissed the RTRS Board of Governors for obstructing international efforts to improve RTRS programs and management. The High Representative mandated that the new Board work with RS authorities and international experts to develop new legislation for the RTRS to bring it into conformance with international standards for public broadcasting; however, the legislation was not complete by year's end.

Nationalistic Croat television continued to be broadcast by HTV-Mostar, which is owned by the three Croat municipalities in Mostar and is financed by the HDZ.

Radio broadcasting in the Bosniak-majority areas of the Federation--particularly in Sarajevo, Zenica, and Tuzla--is diverse. Opposition viewpoints are reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. Nez Radio and Radio Pegas report a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they usually are highly nationalistic. Local Croat authorities do not tolerate opposition viewpoints. One exception is Studio 88, in Mostar, which broadcasts reports from both sides of that ethnically-divided city and Radio N in Livno, which broadcasts balanced reports despite strong pressure from nationalists.

On March 15, the Yugoslav radio station Radio Soko, which reaches the eastern RS, broadcast a message on March 15 urging Bratunac citizens to demand the release of three suspects arrested by police for shooting at a Bosniak returnee (see Section 1.c.). The same radio station broadcast messages in May urging Bratunac citizens to protest violently against Bosniak displaced persons visiting their prewar homes (see Section 1.d.). On March 29, the BiH Communications Regulatory Agency complained to the Yugoslav Minister of Telecommunications that Radio Soko was broadcasting inflammatory rhetoric that incited violence against and opposition to Bosniak refugee returns.

The number of registered threats against journalists remained high during the year. The media helpline registered 100 cases of possible violations of the rights of journalists during the year. Intimidation of journalists and media outlets most commonly took the form of verbal or written threats to stop a particular line of inquiry. Twelve of the cases involved physical assaults.

There was an increase in reported threats to journalists in the RS following the April arrest of the former President of Serbia and Montenegro (Yugoslavia), Slobodan Milosevic by Serbian police and his transfer to ICTY custody. Journalists who reported the story reported receiving threatening letters and experiencing other forms of harassment and intimidation. Journalists in the RS reported a similar increase in threats and intimidation following the May riots surrounding the cornerstone-laying ceremonies of mosques in Trebinje and Banja Luka (see Section 2.c.).

In March a crowd surrounded Voice of America Bosnia Service correspondent Milo Julic as he filmed former

Federation President Ejup Ganic entering the King Fahd mosque in Sarajevo; the crowd started yelling ethnic insults at him and confiscated his tape. A local policeman tried to intervene and explain that it was permitted to film outside the mosque, but a man (identified in press reports as the director of the mosque complex) said that the mosque was the territory of Saudi Arabia and could not be filmed without permission.

In April Federation TV and Dnevni Avaz journalist Mika Damjanovic was attacked by Marko Benkovac-Balkan, the former president of the local HDZ party in Orasje. Benkovac-Balkan accused Damjanovic of being a "Croat traitor."

In May in Trebinje, Serb extremists beat Kernan Cerimagic, a TV Hayat journalist, during the cornerstone-laying ceremony for the rebuilding of a mosque (see Section 2.c.). The mob turned on Cerimagic after he tried to defend an OHR official who the crowd had assaulted (see Section 1.c.).

In June in Pale, a masked gunman in a car stopped a Belgian TV crew and took their camera and tape; they had just completed a story about Bosnian Serb leader Radovan Karadzic and his family. In August unknown assailants attacked Oslobodenje newspaper journalist Elvir Beslic while he was taking photos of a building in downtown Zenica where the SDP party rented premises. The suspected motive for the attack was Beslic's investigation into irregularities in the contract signed between a local cafe owner and the SDP for the rental.

In November unknown assailants planted a bomb in the doorway of journalist Zoran Sovilj's apartment, causing property damage. The IPTF believed that Sovilj's coverage of trafficking in women had motivated the attack.

No progress was made in investigations into several past attacks including the October 2000 assault on the Deputy Manager of Glas Srpski Anton Kasipovic and the 1999 car bombing attack on the Nezavisne Novine Editor in Chief, Zeljko Kopanja, who lost both legs in the explosion.

Academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. In Sarajevo Serbs and Croats complained that members of the Bosniak SDA party received special treatment in appointments and promotions at the University of Sarajevo; however, SDA party members on faculty accused the Sarajevo Canton government, which controls university financing, of politicizing professorial appointments by favoring non-SDA Bosnian appointments. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into eastern and western branches, reflecting the continued ethnic divide in the city. East Mostar University maintained a degree of ethnic diversity in its student body and staff, but suffered from a serious lack of resources and staff. West Mostar University continued to be politicized and dominated by Croat nationalists. The previous rector of West Mostar, Marko Tadic, was forced out of office in 2000 following his efforts to reform and depoliticize instruction and faculty appointments. His successor, Frano Ljubic, has allowed activities in West Mostar University to revert to their previous Croat nationalist orientation.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, authorities imposed some limits on this right in practice.

Refugees returning to visit homes in the RS or commemorating war dead were harassed and subject to violence in several incidents (see Section 5). For example, in May police failed to intervene when rioters attacked attendees at separate ceremonies marking the start of the reconstruction of destroyed mosques in Trebinje and Banja Luka (see Sections 1.c. and 2.c.).

The Constitution provides for freedom of association, and a wide range of social, cultural, and political organizations functioned without interference; however, authorities imposed some limits on this right and indirect pressure constrained the activities of some groups. Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the state-owned sector of the economy (see Section 6.a.).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, including private and public worship, and in general, individuals enjoyed this right in areas that are ethnically mixed or where they are adherents of the majority religion; however, the ability of individuals to worship in areas where theirs is a minority religion was restricted, sometimes by violently.

In July 2000, the Constitutional Court struck down a provision in the RS Constitution directing the State to "materially support the Orthodox Church and cooperate with it in all fields."

The absence of a police force willing to protect religious minorities and a judicial system willing to prosecute crimes against them were major obstacles to safeguarding the rights of religious minorities. The RS Government, local governments, and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place. For example, during the violent riots in May by Serb demonstrators to prevent reconstruction of mosques in Trebinje and Banja Luka, local authorities failed to intervene to stop violent attacks on bystanders including elderly persons, high-ranking government officials, and representatives of the international community (See Section 5).

The task force established by the RS Ministry of the Interior to coordinate the investigation into the Banja Luka riots was disorganized and ineffective, and the police did not make a serious attempt to investigate those who organized the violence. Police officers also failed to support the prosecution of those accused. During judicial proceedings against Bosnian Serbs identified by the police as having engaged in violent criminal acts during the riots, eight RS police officers gave false statements to a Banja Luka Court Investigative Judge, contradicting their official duty reports. The IPTF issued noncompliance reports against the officers for obstructing the investigation. RS police disciplinary proceedings against the officers had not concluded by year's end.

Police failed to properly investigate the violent protests in Trebinje against the rebuilding of the Osman Pasha Mosque on May 5. Although police submitted criminal reports against individuals in the riot who attacked an OHR representatives and a television cameraman, the police refused to investigate those who organized protesters and incited the violence. On June 7, the IPTF deauthorized the Chief of the Trebinje Police Crime Department for his refusal to investigate the incident, and several other individuals have been placed in criminal proceedings.

RS Prime Minister Mladen Ivanic publicly accepted responsibility on behalf of the RS Government for failure to ensure security in Banja Luka and Trebinje (see Section 5). On May 9, the RS Interior Minister dismissed Trebinje police chief Jovo Cokorilo; however, he continued to work in a senior management position at the Trebinje Police Station. However, on May 30, the RS National Assembly adopted a report blaming the Islamic community for creating a situation, by seeking to rebuild the mosque, in which violent demonstrations became likely. RS leaders have suggested that the presence of international community leaders and the use of Islamic symbols and music were provocative. A successful cornerstone laying ceremony was held on June 18, attended by RS President Sarovic and Prime Minister Mladen Ivanic, during which RS police held back protesters. Several protesters were placed in criminal proceedings and local police officers gave testimony to a Banja Luka Investigative Judge. In contrast to the May 7 incident, the officers' statements appeared to provide a truthful and complete account of the events.

On December 2, local police in Stolac made no effort to disperse a crowd of Croats who attacked the reconstruction site of a mosque being rebuilt (see Section 1.c.). After local police failed to act, SFOR and special Federation police units dispersed the crowds and arrested two men and transferred them to local police custody, one for attacking a police officer and another for using a chain saw to destroy the fence protecting the mosque site; however, when a crowd of approximately 50 Croats surrounded the police station, demanding the release of the prisoners, local police released or permitted the escape of the two prisoners (contrary to orders from the Cantonal Police Minister). The IPTF criticized the local police response and cited Stolac's assistant police chief; he was scheduled to be transferred to other duties. On December 6, the two escaped prisoners surrendered to the Stolac Municipal Court.

Administrative and financial obstacles to rebuilding religious structures impeded the ability of minorities to worship and impeded their return in many areas. For example, on June 4, the Islamic community, in consultation with the international community, agreed to delay a plan to lay the cornerstone at the central mosque in Stolac; instead placing a fence around the site. During the year, the mayor of Croat-dominated Stolac refused to issue a building permit for the Islamic community to reconstruct the mosque, claiming that the Catholic Church had requested permission to reconstruct a church that was on the site before the mosque. The Federation Minister of Urban Planning signed the permit on October 15, stating there was no legal justification for further delay. RS authorities continued to obstruct attempts to rebuild many of the 83 mosques in the RS that were destroyed during the 1992-1995 war. Ivan Mandic, an HDZ hard-liner and the head of Mostar Municipality Southwest (MSW) continued to refuse to grant permission for reconstruction of the Baba Besir Mosque, one of three mosques in MSW that were destroyed during the war. Reconstruction of a small number of mosques in areas of the RS with large numbers of Bosniak returns have been completed or is underway. In Serb majority areas of the RS, however, authorities frequently delay or deny building permits for reconstruction of Catholic and Muslim religious edifices destroyed in the war. The Catholic Church reported that local authorities in Pecnik threatened to demolish a Catholic church that was being rebuilt because the work is being done without a building permit.

In October the Human Rights Chamber ruled that the destruction of three mosques in Zvornik in 1992 and the subsequent illegal use of the sites constituted a violation by the RS of the Islamic community's freedom of religion. The Chamber found that the RS had prevented the Islamic community from rebuilding the mosques and illegally had constructed a multistory building on one site and a Serb Orthodox Church on another. The Chamber did not order the illegal building destroyed, but rather that the Islamic community be given suitable alternative sites upon which to construct new mosques within 6 months. The Chamber also ordered monetary compensation. In December the Zvornik municipality offered the Islamic community several alternative sites for two of the three destroyed mosques. In October authorities in Bijelina issued building permits for the reconstruction of two mosques in Bijelina to partially comply with a 2000 Human Rights Chamber decision requiring that permits be granted for reconstruction of five mosques destroyed in 1993. Bijelina authorities also paid the \$4,500 (10,000 KM) compensation mandated by the Chamber.

All three major religious groups and the Jewish community have claims to property confiscated during World War II, the Communist period, or the 1992-95 war. While the Federation and the RS legislatures have passed laws on restitution of property, the High Representative has suspended action on both until an economically acceptable restitution plan is developed. Municipal and canton authorities have broad discretion regarding disposition of contested property that was nationalized under the Communist government; many use this as a tool of political patronage, rendering religious leaders dependent on politicians to regain lost property.

Public schools offer religious education classes, which, in theory, are optional. However, schools generally do not hire teachers to offer religious education classes to students of minority religions. For example, in Sarajevo only Muslim religion classes were offered in public schools, which denied children of other faiths the opportunity to study their religious traditions in school. In some cases, children who choose not to attend the religion classes offered are subject to pressure and discrimination from peers and teachers. Schools in Sarajevo canton, except for non-Bosniak schools, offer only Islamic religion classes. In Croat-majority West Mostar, minority students theoretically have the right to take classes in non-Catholic religions; however, this option does not exist in practice. Orthodox symbols are present in public schools throughout the RS.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides these rights, and freedom of movement, including across the Inter-Entity Boundary Line, continued to improve; however, some limits remained in practice.

Accurate statistics on refugee returns remained difficult to obtain. While different refugee organizations provide different estimates on the numbers of minority returns, they all agree that the rate of minority returns during the year was nearly twice that of 2000. Pressure from evictions, combined with an increased sense of security in most areas of the country and awareness that international assistance was not inexhaustible, prompted the increase in returns. Thousands of returnees lived in tents or improvised shelters in their former villages and towns, hoping for assistance in rebuilding their homes. According to the U.N. High Commissioner for Refugees (UNHCR), between the end of the war in 1995 and October 31, 2001, 412,368 persons who left the country had returned. The UNHCR reported that through the end of November there were 80,993 registered minority returns country-wide, nearly double the number of minority returns for the same period in 2000. By ethnic group, the returns were as follows: 31,615 Serbs; 40,473 Bosniaks; 8,017 Croats; and 888 others. Although the return figures are much less exact for those returning from other places within the country, the UNHCR reported that 391,587 internally displaced persons (IDP's) returned to their prewar homes between the end of the war and August, or roughly 36,000 during the year.

There were some improvements during the year that facilitated returns. In the RS, more than 80 percent of the RS Refugee Ministry's budget was spent on resettling Serb IDP's to the RS. Much of the funding was spent on new housing for residents of collective centers, instead of on alternative accommodation to facilitate evictions. However, during the year, the RS allocated some funds to reconstruct Bosniak housing in Brcko, and allocated other funds for assistance to Serbs returning to the Federation. Although IDP's in the hard-line RS areas of Bratunac and Srebrenica, mostly from Sarajevo, were intimidated from attempting to return (see Section 1.c.), by year's end, more than 50 families from these two towns returned to their homes in the Federation. In early June, the High Representative removed the hard-line Serb mayor of Bratunac for obstructing the return of refugees and IDP's. The mayor had publicly opposed the return of Bosniaks and had threatened to dismantle several Bosniak houses reconstructed by NGO's over minor legal technicalities. The mayor promptly went into hiding in Serbia, fearing arrest for other criminal activity while he had worked as mayor. The increased number of ethnically integrated police forces also helped improve the climate for returns, although security remained inadequate in some areas (see Section 5).

However, many problems remained that prevented returns, including the obstruction by hard-liners of implementation of property legislation, political pressure for individuals to remain displaced in order to increase the ethnic homogeneity of the population in a specific area, societal violence, and the lack of an ethnically neutral curriculum in public schools (see Section 5). Municipal administration taxes on documents that are

necessary for return, such as birth or land certificates are high. In addition, minority returnees often faced employment discrimination, lack of access to health care in the place of return, and denial of utility services such as electricity, gas, and telephones by publicly-owned utility companies.

The continued influence of ethnic separatists in positions of authority hindered minority returns. Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's. Most of those returning from Europe were unable to return to their prewar homes in the RS. Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns, although efforts by hard-line Croats to resettle returning refugees and consolidate the results of ethnic cleansings have ceased for the most part. IDP's living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently were pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence (see Section 5).

In February it was discovered that a member of the SDS party was involved in arson attacks on the houses of Bosniak returnees. After pressure from the international community, the SDS presidency announced that it would expel the party member.

The European Roma Rights Center (ERRC) reported that Roma from the RS (most of whom are Muslim) who were forced out of their homes have had serious difficulties returning to their prewar homes (see Section 5). The ERRC reported that Roma have had to pay financial compensation, ranging from \$1,500 to \$5,000 (3,000 to 10,000 KM) to Serbs occupying their prewar homes in order to move back. The ERRC also reported that RS Government bodies occupy some Romani homes.

During 1998 the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned. Prewar residents continued to wait to return to these apartments, while authorities encouraged occupants to begin the purchasing process. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber. The Human Rights Chamber decided that apartments owned by JNA officers should be returned; the Chamber also left open the possibility that those apartments to which officers had occupancy rights should also be returned. The return of apartments was scheduled to begin in 2002.

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. As a result, most minority returnees were elderly, which placed a burden on receiving municipalities. Younger minority group members, who depend on adequate wages to support their families, generally remained displaced, especially in cases in which they had managed to find work in their new place of residence.

The law provides for the granting of asylee and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. During the year, approximately 1,000 refugees from the Kosovo conflict continued to reside in refugee camps in Bosnia. Some are planning to return to Kosovo, and some sought asylum abroad. Approximately 5,000-10,000 Serbs who fled Kosovo or Serbia during the Kosovo confrontation are believed to be in the RS in private accommodations. Less than 1,000 Sandzaks are believed to still reside in private homes.

The Government provides first asylum. There were no reports of the forced return of persons to a place where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, continued political influence over the media and the use of coercive tactics by some nationalist parties precluded full citizen participation without intimidation. On August 23, the BiH Parliament adopted the country's first permanent election law, allowing the Government to assume responsibility for conducting elections. The Dayton Peace Accords had given the OSCE primary responsibility for the organization and supervision of the country's post-war elections on a temporary basis. The OSCE conducted general elections in 1996, 1998, and 2000, municipal elections in 1997 and 2000, and special elections for the RS National Assembly in 1997. With an election law in place, responsibility for conducting elections shifts to Bosnian authorities. The election law contains provisions regulating almost all aspects of national, entity, cantonal, municipal, and local elections, including voter registration, certification of candidates, code of conduct for parties, campaign finance, media, and observers. The next elections are scheduled for October 2002.

Several sections of the election law were left blank to be filled in later once entity constitutions were amended

to bring them into compliance with the BiH Constitutional Court's July 2000 "Constituent People's decision." In that decision, the Constitutional Court established the principle that BiH's three main ethnic groups or "constituent peoples," Serbs, Croats, and Bosniaks, have equal rights in both entities. In January the High Representative formed a commission in each entity to propose entity constitutional amendments altering government institutions or protections to reflect this principle. The election law also left blank passages relating to the election of the president and vice-president of both entities and the Federation House of Peoples, since these institutions were under review by the commissions.

The nationalist Croat Democratic Union (HDZ) party obstructed implementation of the November 2000 general election results in protest of what it considered unfair election rules. Specifically the HDZ objected to new election rules adopted by the OSCE in October 2000 that changed the method of selecting Federation House of Peoples' delegates. The HDZ claimed the new system allowed members of other ethnic groups to influence selection of their delegates to the Federation House of Peoples, which is charged with protecting the vital national interests of Bosniaks, Croats, and others, in the Federation. The OSCE said the rules change was intended to erase a previous disadvantage to multiethnic parties in the selection of House of Peoples delegates. To protest the new rules, the HDZ refused to participate in the selection of Federation House of Peoples delegates, leaving 21 seats in the 80-member body empty. The lack of a quorum caused by the vacancies also prevented the selection of Croat members of the national-level House of Peoples. To break the deadlock, the High Representative issued a legal finding stating that both the Cantonal Assemblies and the Federation House of Peoples could be constituted by those delegates who took their seats. Other than the vacancies in the Federation House of Peoples, all other results of the November 2000 general elections were eventually implemented.

HDZ obstructionism also delayed the formation of Cantonal governments in the Federation; Cantons 7, 8, and 10, where the HDZ won a plurality, were the last to form governments. Implementation of the results of the April 2000 municipal elections continued during the year because obstructionism caused delays in a few areas. Most municipal governments formed quickly in 2000, but the municipality of Caplina did not form its government until August.

The HDZ protest against the election rules and other developments that it claimed threatened the rights of the Croat people in the country escalated following the formation of the new central and Federation Governments in February and April, which excluded the HDZ from power. The Alliance for Change coalition, which formed those governments, did not include the HDZ, although it included other Croat and multiethnic parties. HDZ delegates walked out of State and Federation legislative bodies after the new governments were elected. On March 3, an HDZ-organized "Croatian National Assembly" held in Mostar organized parallel government structures designed to establish a separate Croat government in Croat majority areas and instructed Croats to reject the newly elected Federation Government. The HDZ engaged in a systematic campaign of threats and intimidation, most intensively in April and May, to try to force Croats to back its drive for Croat self-government. Croat soldiers and police officers reported that HDZ supporters demanded that they sign papers declaring loyalty to them and participate in an HDZ-ordered walk-out. Croat journalists also lodged complaints of threats (see Section 2.a.). Leaflets appeared in Mostar on April 21 calling elected Croat officials in the Federation and BiH Government "traitors" and threatening that "they will not stay unpunished." Brothers Mladen and Jerko Ivankovic, Croat politicians who spoke against the HDZ's campaign, received threats before and after a bomb destroyed a family car in front of their residence. The SDP party office in Vitez suffered extensive damage in a bomb explosion on May 1; police arrested a Croat man in the attack, which police believe was motivated by the HDZ's self-government drive. The SDP is the leading party in the Federation Government that opposed the HDZ's separatist movement. Croat businesspersons reported that HDZ supporters demanded that they pay a special tax to fund the self-government effort and threatened "accidents" if they did not.

On March 28, following a decree by HDZ officials ordering the temporary disbandment of the Croat contingent of the Federation Army, up to 8,000 Croat soldiers did not show up for work. The soldiers began returning to barracks in May, after Croat generals signed an agreement with the Federation Minister of Defense. In April the IPTF censured ten police officers and dismissed six senior Interior Ministry officials from Herzegovina-Neretva Canton for circulating the HDZ's "Oath of Allegiance" within the ministry. On March 7, the High Representative responded to the HDZ campaign by removing the Croat member of the BiH Joint Presidency and HDZ party president, Ante Jelavic, from office for engaging in unconstitutional activities. At the same time, the High Representative removed three other HDZ officials leading the self-government effort. On April 27, the High Representative removed Canton 7 Interior Minister Dragan Mandic for signing the oath of loyalty and rejecting the authority of legal Federation authorities. On June 6, HDZ delegates returned to the BiH House of Representatives, and on November 28, returned to the Federation House of Representatives, but continued their boycott of the Federation House of Peoples.

In March the OSCE's Election Appeals Subcommittee cited 13 parties for improperly filing financial disclosure reports from the November 2000 elections. The EASC specifically censured SDA and HDZ officials for underreporting or failing to report some campaign expenses and contributions. In February the EASC removed

seven municipal election commissioners and censured three others based on evidence of attempted voter fraud in polling stations that they supervised in the November 2000 elections. In February and March, the OSCE remove six municipal councilors for either failing to vacate property they illegally occupied or for holding two incompatible government positions.

Continued political influence over the media and the use of coercive tactics by some nationalist parties, particularly the SDS and HDZ, precluded full citizen participation without intimidation, especially in Bosnian Croat areas and parts of the RS.

A multiethnic local government administers the Brcko municipality as a district under the direct oversight of the Brcko supervisor. Until new laws are issued or existing laws adapted, the supervisor retains discretion as to which laws, Federation or RS, are to apply in Brcko. During the year, 40 new or harmonized laws were passed by the Brcko legislature including laws on executive authority, police, taxes, budget, judicial reform, social sector reform, property ownership, and economic legal reform.

The percentage of women in government or politics does not correspond to their percentage of the population, and in the three legislatures, women were underrepresented seriously. To increase female representation in government, election rules established by the OSCE for the 1998 and 2000 general elections required that at least 30 percent of political party candidates be women. These provisions increased the number of female representatives from 2 percent at the state and entity level and 5 percent on the municipal level in 1996 to 18 percent of all elected positions during the year. However, in the state-level House of Representatives (lower house), only 5 of 42 deputies are female, compared with 12 before the November elections. There are no women in the state-level House of Peoples (upper house), whose representatives are appointed by the entity legislatures. In the Federation legislature, 19 of 140 deputies in the House of Representatives are female. In the RS unicameral legislature, 16 of 83 deputies are female, compared with 19 before the latest elections.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. The OHR reports that foreign government and NGO human rights monitors were able to travel without restriction in all areas of the country. International community representatives were given widespread, and for the most part, unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

In December the Parliament adopted the Law on Associations and Foundations. This law, for the first time, allows NGO's to register at the national level and therefore to operate throughout the country without further administrative requirements. The law follows the general principle of voluntary registration and allows associations and foundations to engage directly in related economic activities.

While monitors enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or categorical refusal.

Sporadic violence against international community representatives continued throughout the year. On April 6, Croat rioters disrupted a joint operation of local and international authorities to seize documents and other evidence from several offices of Herzegovacka Banka as part of an investigation into allegations of corruption and other illegal activities associated with the HDZ's drive to establish a parallel Croat government (see Section 3). Several local officials, police, SFOR soldiers, and other international officials participating in the operation were injured, threatened, and taken hostage by rioters. On May 5, Serb nationalists obstructing the cornerstone laying ceremony on the grounds of a destroyed Mosque in Trebinje beat the local OHR representative. Several high-ranking members of the international community, along with other local dignitaries, were trapped inside the Islamic Community Center in Banja Luka for several hours while rioters stoned the building during May 7 riots which blocked the laying of the cornerstone for the destroyed Ferhadija Mosque (see Section 2.c.). International property and offices were targeted specifically for vandalism or destruction.

During the year, there was increased cooperation between the ICTY and the Federation Government. Arrests by Federation police and voluntary surrenders outnumbered apprehensions by SFOR--SFOR apprehended one ICTY suspect during the year. At year's end, 27 arrest warrants remained outstanding out of 110 public indictments issued by the ICTY. The majority of these indictees reportedly live in the RS or Yugoslavia. Although the RS National Assembly passed a law on cooperation with the ICTY in September, the RS has made no effort to arrest indictees. The two most wanted Bosnian war crimes suspects, wartime commander of the RS Army Ratko Mladic and wartime RS President Radovan Karadzic, remained at large. The ICTY during



the year issued 11 convictions and 1 acquittal. This brings the number of convictions to 23 since the ICTY's inception.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman (see Section 1.e.). The Ombudsman may investigate allegations of human rights abuses either on his or her own initiative or in response to any party, or may refer matters to the Chamber. The entities also have their own human rights ombudsmen. The RS Ombudsman's office began receiving cases in November 2000. The caseload of the Human Rights Chamber and the Office of Human Rights Ombudsperson remained high. Citizens continued to turn to these institutions to redress human rights violations after national institutions and domestic courts failed to provide an effective remedy. While the Federation has implemented almost all decisions issued by the Human Rights Chamber decisions, authorities in the RS have refused to implement a large number of decisions (see Section 1.e.).

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

In the Dayton Accords, the parties agreed to reject discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority; nevertheless, there were many cases of discrimination.

##### Women

Violence against women, including spousal abuse and rape, remained a widespread and underreported problem. A report by the International Helsinki Federation for Human Rights in 2000 estimated that approximately 30 percent of women in the country were victims of domestic violence; however, there is little data available regarding the extent of the problem. Throughout the country, rape and violent abuse are considered criminal offenses, and laws in both the Federation and the RS prohibit rape. Spousal rape and spousal abuse also are illegal in the Federation and the RS. However, domestic violence usually was not reported to the authorities; a sense of shame reportedly prevented some victims of rape from coming forward to complain to authorities.

Although police received specialized training to handle cases of domestic violence, there were reports of police inaction in cases of domestic violence and sexual assault. On May 15, a Pale court convicted a man of three counts of causing bodily harm to his ex-wife. Over a 6-month period, the man had hit and kicked his wife, hit her in the head and damaged her eyes, and pushed her into a stove causing burns to her hands and legs. The judge ordered only a \$407 (900 KM) fine. Local police failed to actively pursue an investigation while the abuse was ongoing despite repeated complaints by the woman. The Pale Assistant Police Commander initially told IPTF human rights officers that the incidents happened "behind closed doors" so the police could not intervene. Centers for abused women were created in the District of Brcko, Bihac and Sarajevo based on the successful a model in Zenica in the Federation.

Trafficking in women from Eastern Europe and the former Soviet Union for purposes of sexual exploitation was a serious and growing problem (see Section 6.f.).

There is little legal discrimination against women, and women serve as judges, doctors, and professors; however, a male-dominated society continued to prevail in both entities, particularly in rural areas, and few women are in positions of real economic power or political power. Women have been discriminated against in the workplace in favor of demobilized soldiers. A small but increasing number of gender-related discrimination cases have been documented. Anecdotal accounts indicate that women and men generally receive equal pay for equal work at socially owned enterprises but not always at private businesses. Women are entitled to 12 months' maternity leave and may not be required to work more than 4 hours per day until a child is 3 years old. A woman with underage children may not be required to perform shift work. However, women in all parts of the country encountered problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers.

The integration of women into the police force in uneven but has improved; there is substantial female representation in the Brcko district and in police academy classes in both the RS and the Federation.

##### Children

The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. During the war nearly 17,000 children were killed, 35,000 wounded, and over 1,800 permanently disabled. The end of the fighting brought a major improvement in the human rights of

children. Nevertheless, social services for children are in extremely short supply. Children with disabilities lack sufficient medical care and educational opportunities.

Education is free and compulsory through the age of 15 in both the Federation and the RS. The most serious issue is the ethnic division of educational opportunities. Students in minority areas frequently face a hostile environment in schools that do not provide an ethnically neutral setting. At times minority children are barred from attending school. Local education officials excuse such abuses by claiming that minority children should have their own schools and curricula. Obstruction by politicians and government officials has slowed international efforts to remove discriminatory material from textbooks and enact other needed reforms. At the elementary and secondary school level, political pressures from Canton governments in the Federation, and from the central Ministry in the RS, has been brought to bear on school directors. Several schools are directed by hard-line political figures. The lack of financial resources has also led to teacher strikes in the RS and in individual cantons in the Federation.

Steps were taken during the year to integrate minority students into some schools. However, compromises in many areas, including Stolac, Donji Vakuf, and Vares, fell far short of actual integration. Students of different ethnic groups may share the school building, but they attend class on different floors or use the facility in shifts without ever actually interacting with other students or teachers of a different ethnic group. Segregation and discrimination are entrenched in many schools, particularly in the teaching of national history and religious education (see Section 2.c.). In the RS, non-Serb teaching staff at elementary and secondary school levels composed only 3 percent of all teaching staff. In the Federation, minority teachers comprised between 5 and 8 percent of all teachers depending on the Canton. Roma children may attend schools in all areas of the country, although attendance is low due to pressure from within their community. In a small number of cases, local communities attempted to discourage Romani children from attending their schools.

The full integration of elementary and high school classrooms in the Brcko District was successful. After anti-integration riots, often instigated by parents or outside political actors, disrupted the 2000-01 academic year, the District government insisted on starting the 2001-02 school year with integrated schools. A harmonized school curriculum was developed for use by all teachers. So-called national subjects (language, history and music) were still taught separately in afternoon classes, but materials that could be hateful or offensive to others were eliminated. Language questions were resolved by using both Latin and Cyrillic script, and by requirements that teachers not penalize students for lexicon or grammar usage identified more with one language variant than another. The first truly joint curriculum, using the same lessons and materials in all three-school systems, was introduced at the high school level in the fall. The course, "Democracy and Human Rights" was developed by donors and international organizations working closely with Bosnian educators, and has been officially accepted by the canton and entity-level education ministries and the Brcko District Department of Education. At the same time, old indoctrination courses on "civil defense" and teaching of the RS constitution or the Republic of Croatia constitution in place of the BiH constitution were removed from the course curriculum.

There was no societal pattern of abuse against children. Nonetheless, children continue to suffer disproportionately from the societal stress of the postwar era. According to a report issued in June by the BiH Ministry for Human Rights and Refugees, 130,000 of the 617,000 refugees from BiH are children, 108,000 of the 518,000 internally displaced persons are children and 268 of the 1,225 victims of mine incidents since 1996 were children. Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 6.f.).

#### Persons With Disabilities

The Federation Government is required by law to assist persons with disabilities to find employment and to protect them against discrimination. In the RS, the law also prohibits discrimination against persons with disabilities. However, there are few jobs available, and thousands of newly disabled persons entered the job market after the war; as a result the vast majority of persons with disabilities are unemployed.

Public institutions for persons with disabilities generally met minimum standards, although most are in precarious financial situation. The legal status of institutions for persons with disabilities was not resolved following the breakup of the former Yugoslavia. As a result, local and entity governments have no legal obligation to finance such institutions and they operate only with government and international donations. There are a number of international NGO's that assist persons with disabilities in the country.

There are no legal provisions mandating that buildings be made accessible to persons with physical disabilities; however, in practice buildings rarely are accessible to persons with disabilities.

#### Religious Minorities

Religion and ethnicity are identified closely in the country. Despite the constitutional provisions for religious freedom, a degree of discrimination against minorities occurs in virtually all parts of the country. Discrimination is significantly worse in the RS, particularly in the eastern RS, and in Croat-dominated areas of the Federation. However, incidents of discrimination occurred in Bosniak-majority areas as well. In some communities, local religious figures contributed to intolerance and an increase in nationalist feeling through public statements and, on occasion, in sermons. At times minority religious believers, clerics, and properties associated with religious minorities sometimes became targets. Increasing refugee returns and the resulting growth in ethnic/religious minorities, combined with sustained pressure from the international community on nationalist political parties, led to severe tension and several violent incidents during the first half of the year. On May 5, approximately 1,500 Serbs, many of them from the hard-line nationalist Ravna Gora Chetnik movement, disrupted a cornerstone laying ceremony for the reconstruction of the destroyed Omar Pasha mosque in Trebinje, in the southern RS. Members of the crowd beat the local OHR representative and a television cameraman in a scuffle that resulted as the Serbs blocked Bosniak and international dignitaries from entering the site. On May 7, a riot broke out in Banja Luka on the occasion of a similar cornerstone laying ceremony for the reconstruction of the destroyed Ferhadija Central Mosque; approximately 200 of the estimated 2,000 to 5,000 protesters broke through police lines and violently attacked participants, including elderly persons, government officials, and representatives of the international community. The rioters trapped over 300 persons in a building on the site owned by the Islamic Community for approximately 8 hours until RS police evacuated them. Protesters stoned the building and removed Islamic symbols. Approximately 30 persons were injured in the riot, including a Muslim man, Murat Badic, who died from his wounds on May 26. Protestors also burned Bosniak-owned business, eight buses that brought Bosniaks to Banja Luka, and heavily damaged the car of Bosnia's Foreign Minister (who is a Bosniak).

Protests in Bosniak majority areas in response to the Trebinje and Banja Luka riots were largely peaceful. There were, however, some violent reprisals. On May 6, unknown assailants threw a grenade at the house of the leader of Trebinje's Muslim community. Local police detained two Bosniak men for throwing a hand grenade at the Serb Orthodox Church in the Bosniak-dominated town of Sanski Most on May 8. The windows of a nearby cafe owned by a Serb also were smashed in the incident. Also on May 8, a group of displaced Bosniaks originally from the RS refused to allow a group of displaced Serbs, originally from Sarajevo, to enter the Osjek cemetery in Ilidza, a suburb of Sarajevo that was predominantly Serb before the war. On May 9, 11 tombstones in an Orthodox cemetery in Tuzla were desecrated and the cemetery chapel vandalized. Three Bosniak juveniles were arrested and charged in the case and local government officials condemned the vandalism. Also on May 9, approximately 20 Bosniaks stoned a house inhabited by Serbs in Sarajevo. Local police responded immediately, but no arrests were made.

In Croat-dominated Glamoc, unknown persons shot at Serb returnees' houses and the Orthodox Monastery Veselinje with automatic weapons. Police had no suspects in the case at year's end. Also in May, leaflets were distributed in Doboj, in the RS, calling on Muslims to leave the city and urging Serbs to protest against the reconstruction of the city's mosque. On December 4, a crowd of Croats attacked the reconstruction site for the Stolac mosque, burning the fence surrounding the site. Local police did not intervene and later released two of the perpetrators who had been arrested for the incident (see Section 1.c.).

Attacks against Orthodox and Catholic clerics and religious edifices have occurred in Sarajevo. On May 28, a Muslim woman walking with her husband and children physically and verbally assaulted a Catholic nun in central Sarajevo. On June 3, a group of Muslim youths harassed Catholic seminary students in front of the Catholic cathedral in Sarajevo.

In Croat-dominated areas of Herzegovina, Muslims felt pressure not to practice their religion in public and have been the subject of violent attacks in the past.

#### National/Racial/Ethnic Minorities

"Ethnic differences" were used to justify the war and remain a powerful political force in the country. Although some politicians still support the concepts of a "Greater Serbia" and a "Greater Croatia," mixed communities exist peacefully in a growing number of areas, including Sarajevo and Tuzla. However, nationalist Bosnian Serb and Croat politicians sought to increase the ethnic homogeneity of the population in areas they control by discouraging IDP's of their own ethnicity from returning to their prewar homes if they would be in the minority there. Hard-line Bosnian Croats continued to discourage some Croat returns to central Bosnia and actively have recruited displaced Croats to resettle in Herzegovina; however this intimidation has decreased. Some hard-line local authorities in the eastern RS sought to keep information regarding the right to return and conditions in return sites from reaching displaced Serbs in their areas, so as to dissuade them from attempting to return to their former homes. Although the new RS Government officially supports the right to return, it continued to obstruct returns on many levels.

In some cases, opponents of refugee returns used violence, including sporadic house burnings, and

orchestrated demonstrations in an effort to intimidate returnees. For example, on January 2 an explosive device was thrown at the house of Bosniak returnees in Modrica, causing material damage but no casualties. On January 6, two Bosnian Serb men threw an explosive device into the home of a Bosniak returnee in Bosanska Gradiska. On January 8, unknown perpetrators burned down a returnee family's house in Stolac. On March 8, land mine explosions destroyed a newly reconstructed Croat dwelling near Bosanski Brod. On March 12, a bomb destroyed a vehicle belonging to a Bosniak IDP who was visiting his brother in Prijedor. On March 20, a Bosniak returnee's van was burned near Zvornik. When he tried to extinguish the flames, unknown assailants fired shots at him. On May 9, approximately 20 Bosniaks stoned a house inhabited by Serbs in Sarajevo. Local police responded immediately to the attack, but no arrests were made. On May 25, a large group of Bosniaks stoned the houses of two Serb returnees in Bosniak-dominated Bocinja.

On January 16, in Srebrenica in eastern Bosnia, an explosion destroyed the car of a Bosniak returnee, damaging a nearby vehicle and shattering several windows. Staff of the Organization for Security and Cooperation in Europe (OSCE) in the area termed the attack the most serious incident in Srebrenica since Bosniak returns began in April 2000, and suspect that the attack was related to an earlier incident 9 miles away in Glogova, in December 2000, in which a booby-trap grenade killed a Bosniak returnee cleaning his property. On January 19, a Serb IDP broke into the home of a Bosniak returnee in Doboij and ransacked several rooms.

In May the Zvornik Basic Court issued a decision against Bosnian Serbs who violently protested the return of Bosniaks to the village of Divic; 14 persons were found guilty of obstructing officials in performing their duties, 2 persons were sentenced to 45 days of imprisonment, and fines were leveled against the remaining 12. While observers believe that the sentence was lenient given the severity of the crime, the case represents the first instance in the eastern RS in which Bosnian Serbs have been held criminally liable for inciting violence against minority returnees.

Minority officers are beginning to be deployed in areas where minority returns are occurring; however, the lack of housing for returning police officers has hindered this process. All Federation canton governments have agreed to an ethnically mixed police force in principle; however, many cantonal governments continue to resist integration in practice. In some cantons, Bosniak and Croat police operate under separate, parallel budget and command structures, divided along ethnic lines. Police in the RS generally do not meet target standards of ethnic representation, as mandated by various agreements. An interentity agreement negotiated under U.N. auspices allows the voluntary redeployment of officers across entity lines to redress ethnic imbalances. In October the Federation Police Academy graduated its seventh multiethnic class and in November the RS Police Academy graduated its fourth multiethnic class.

Despite improvements in some areas, harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems include desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, assaults, and, in some cases, killings (see Sections 1.a. and 1.c.).

Incidents of violence against all ethnic groups have decreased due to improved security and freedom of movement, but other forms of discrimination have not. In particular discrimination in employment and education remained key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often are hired over former employees who are minorities. Favoritism is also shown to veterans and families of those killed during the war.

Most of the country's 40-60,000 Roma (a rough estimate - no reliable figures exist) live a precarious existence. Nearly all Roma in the RS were expelled from their property during the war; very few have been able to reclaim it (see Section 2.d.). These displaced Roma, as well as Roma in the Federation who have lost their property because of the ravages of war, live in makeshift dwellings in abandoned property. Conditions for some are extremely poor, and many rely on begging to exist. While Roma face problems that many others in the country face, the Roma have far fewer social and charitable organizations interested in helping them, and they face widespread discrimination. However, some international NGO's have begun reconstruction programs for Roma, and refugee officials in the Federation also have begun to provide some assistance. A lack of formal title to land, in some instances, has greatly delayed some assistance projects.

## Section 6 Worker Rights

### a. The Right of Association

The Constitutions of the Federation and the RS provide for the right of workers to form and join unions, as do labor laws in both entities. There are no legal restrictions on who may join unions, and the right of minority

workers to join unions is protected in both entities. However, in practice union membership in the RS is overwhelmingly Bosnian Serb and in the Federation overwhelmingly Bosniak. Bosnian Croats have informal labor organizations in areas where they are the dominant ethnic group, but generally they are represented by the Federation union. A joint-entity multiethnic union was established in the district of Brcko in 2000. Union membership is mandatory for officially-employed workers in the RS; in the Federation, approximately 70 percent of the official workforce is unionized.

Unions legally are independent of the Government and political parties; however, they are highly politicized. There are no legal restrictions on forming new unions; however, in practice one union confederation in each entity represents all workers. A new confederation of trade unions tried to register with in the Federation, but has been unsuccessful due to political interference by the established confederation. In the RS, the sector-based branches of the union confederation have become increasingly independent, and one branch successfully has broken off from the umbrella organization.

Unions have the right to strike, and increasingly have used that right to pressure for payment of overdue salaries or wages, protest or demand changes in management, and voice their opinion on economic reform and government policy. Protest is often the only way to compel the payment of salaries or wages. Most strikes are legal; however, the Government claimed that some were illegal (on the grounds that they were not announced far enough in advance, or 48 hours) in an attempt to avoid negotiations. A Law on Strikes governs strike activity in both entities, and retaliation against strikers is prohibited. There were several major strikes during the year, including those by factory workers, teachers, and health care workers, due to arrears in salaries of several months or more. Courts hear labor disputes.

In November 1999, the Government was found to be in violation of ILO Convention 111 (on employment discrimination) and 158 (on termination of employment) because of its failure to act in the case of workers at Aluminij Mostar who were dismissed during the war because of their non-Croat ethnicity. Aluminij Mostar has protested the ILO ruling, arguing that it did not have the opportunity to respond to the union complaint. In August a long-delayed legal audit requested by OHR was completed. The Federation Government and the company were debating the report's recommendations at year's end, but had not reached an agreement on a future course of action.

In 2000 both the Federation and RS passed comprehensive labor legislation as part of loan conditions established by the World Bank and the International Monetary Fund; however, implementing provisions were still not in place by year's end.

Unions are free to form or join federations or confederations and affiliate with international bodies; however, no unions do so in practice.

#### b. The Right to Organize and Bargain Collectively

Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective agreement in the Federation; however, collective bargaining rarely is used. In addition the collective bargaining agreements appear to apply only to public sector and state-owned enterprises, leaving private businesses uncertain about their status under the general collective bargaining agreements. The substantial number of government employees, particularly in the RS, permits the Government to remain highly influential in determining the overall level of wages in each entity.

The Law on Labor in both entities prohibits discrimination by employers against union members and organizers, in accordance with ILO standards. However, discrimination continued.

There were no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however, women were trafficked for the purpose of sexual exploitation (see Section 6.f). Prisoners in Tuzla have reported that the warden uses prisoners to work in his private business (see Section 1.c.).

The Constitution prohibits forced or compulsory labor by children; however, girls were trafficked for the purpose of sexual exploitation (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children in the Federation and in the RS is 15 years. The law on labor prohibits children from performing hazardous work, such as night work. Child labor is not known to be a problem; however, children sometimes assist their families with farm work and odd jobs. Romani children are often seen begging on the streets in Sarajevo.

The country has not signed the ILO Convention 182 concerning the worst forms of child labor.

The Constitution prohibits forced or compulsory labor by children; however, girls were trafficked for the purpose of sexual exploitation (see Section 6.f.).

#### e. Acceptable Conditions of Work

The minimum monthly wage in the Federation is \$100 (200 KM); in the RS it is \$32 (65 KM). Neither minimum wage provides a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions. Employees are required by law in both entities to make mandatory contributions to social funds in the following percentages. In the Federation, contributions to the Pension, Health insurance, and Unemployment Insurance funds are 7, 5, and 1 percent respectively. In the RS, the percentages are 9, 7.5, and 0.5 percent for the previously listed funds and an additional 1 percent for the Protection of Children fund and 1.5 percent for the Water fund.

The legal workweek is 40 hours under both Federation and RS entity law; however, "seasonal" workers may work up to 60 hours per week. The laws of both entities require that overtime be paid to employees. Overtime is limited to 20 hours (10 mandatory and 10 voluntary) in the Federation. In the RS overtime is limited to 10 hours, although an employee may volunteer for an additional 10 hours in exceptional circumstances. Rules regarding rest and vacation vary, although typically no vacation is granted during the first 6 months of employment and 18 days per year are granted after that period. In practice employers at times grant additional vacation days to workers.

Occupational safety and health regulations generally are ignored because of the demands and constraints imposed by an economy devastated by war. Neither entity has completed passage of new laws to enforce international worker rights standards. Workers cannot remove themselves from hazardous working conditions without endangering their continued employment.

#### f. Trafficking in Persons

There are no laws that specifically prohibit trafficking in persons, and trafficking in women for sexual exploitation was a serious and growing problem. The country is a major destination and transit point, and to a lesser extent a country of origin, for women and girls trafficked for sexual exploitation. The country is extremely vulnerable to trafficking in persons, because of weak laws, porous border controls, and corrupt police who are bribed easily and facilitate trafficking.

A significant number of women, perhaps as many as 5,000, were trafficked into the country to work in brothels in conditions close to slavery, and credible sources reported that the problem was growing. From March 1999 to August 2001, there were 500 confirmed cases of women trafficked into the country for sexual exploitation; 364 women were returned to their home countries, 125 in the first 7 months of the year. The IPTF reported that they have encountered approximately 4,000 women in their raids of bars and estimated that 10 percent of the women had been trafficked.

The majority of women trafficked into Bosnia come from Moldova, Romania, and Ukraine, but also from Bulgaria, other Eastern European countries, and countries of the former Soviet Union. Most of the trafficked women crossed through Yugoslavia or Hungary before entering the country. Many of them were sold in Belgrade, and from there were smuggled across the Drina River at Zvornik and Bijeljina into the country. The ages of the women trafficked into the country averaged 22 years, ranging between 13 and 36 years of age. More than 12 percent of the women were minors.

Many of these women were lured by the promise of well-paying jobs abroad, and came in the hope of improving their socioeconomic situation. Many women responded to advertisements that offered work in Italy or Germany as dancers, waitresses, or domestic servants; some women reported being kidnaped. Some traffickers brought the women and girls into the country specifically to work in brothels. Trafficked women often were sold several times between different bar owners after arriving in Bosnia. Prices varied between \$500 and \$1,500 (1,000 to 3,000 KM) per woman, and the women often were expected to repay their "owners" this amount out of their allotted share of the earnings. It has been estimated that there were some 300-600 brothels in the country. Brothel operators reportedly earned \$50 (100 KM) per hour per woman. In some cases,

women forced to work in brothels reportedly received as little as \$13 (25 KM) per month for personal expenses and were forced to find other money (often through begging) for essentials, including condoms. Other prostitutes reportedly earned \$100 (200 KM) per month.

Methods ranging from seizure of passports and kidnaping to the threat and use of physical violence are used to ensure the compliance of victims. There have been reports of trafficked women being physically and sexually assaulted, denied food, and threatened. Organized crime elements control the trafficking business into and out of the country. A significant proportion of the traffickers are female, and are part of organized crime.

The country is also a major transit point for illegal immigrants, and the IOM confirmed one case of a man being trafficked through the country for forced labor and held against his will.

Some of the women trafficked into Bosnia were trafficked on to Italy, Germany, and other Western European countries for prostitution. In addition, the International Organization for Migration (IOM) confirmed two cases of Bosnian women who were trafficked to other countries in 2000.

Some police and judicial authorities tacitly accept or actively facilitate trafficking. There were credible allegations of involvement of State Border Service (SBS) officials in facilitating the importation of women, although there were increased instances of some SBS officials finding and identifying trafficking victims. Police, who are responsible for registering foreign workers, were involved in registering trafficked women in several instances. In addition the Ministries of Labor in both entities enforced few controls on the issuing of work permits, many of which went to trafficked women. In some cases, police officers used the services of prostitutes for free in exchange for warnings of raids. For example, following a February raid on a nightclub in Bijelina, in which the local police identified six trafficking victims, the IPTF alleged that more than 20 Bijelina police officers received free sexual services in return for tipping off the bar owners when raids or inspections were scheduled. Authorities were conducting internal and criminal investigations at year's end, and suspended six Bijelina police officers pending the outcome of the investigations.

A May 2000 report by UNMBIH and the Office of the U.N. High Commissioner for Human Rights (OHCHR) documented evidence of complicity by local police, international police, and SFOR in 14 out of 40 cases that it investigated between March 1999 and March 2000. Police crime departments have not conducted proper investigations into trafficking allegations and in some cases, investigations have been prevented by high level political involvement.

Neither of the entities has a law that specifically prohibits trafficking, although prosecutors can prosecute traffickers on charges of assault, provision of false documents, procuring, and promoting prostitution. Although the sentence for rape may range up to 10 years' imprisonment, the more common charges of pandering and promoting prostitution are punishable by a maximum of 3 years' imprisonment. Traffickers rarely are sentenced to more than 6 to 8 months' imprisonment. Sarajevo authorities have successfully prosecuted two suspected traffickers on charges of promoting prostitution. However, the prosecution of traffickers is hindered both by the extent of public sector corruption and by the inefficiency of the legal system. Other law enforcement actions against trafficking have been infrequent. For example, it is illegal to run a brothel, but local police generally arrest women engaged in prostitution rather than procurers or those managing the brothels. While the number of bar owners charged increased this year, no traffickers were criminally prosecuted. In most cases, the police do not conduct thorough investigations against the bar owners and others involved in the recruitment, transportation, and movement of such women, including trafficking rings.

In March Bosnian police, working with IPTF officers, conducted simultaneous raids in many parts of Bosnia, resulting in the freeing of 24 trafficking victims. OHCHR reports that many women were seen being taken out of the brothels immediately before the raids, suggesting there were leaks to bar owners by police. During the year, the court found that the manager of the nightclub "Como" was guilty of trafficking and related charges and sentenced him to 1 year of imprisonment as a result of the raids. The manager's appeal was ongoing at year's end. In January a court found that the owner of the Kenta Nightclub in Ildza was guilty of promoting prostitution and sentenced him to 2 years' imprisonment and a \$600 1,200 KM fine. In an October 2000 raid on his bar, police found 17 women working in the bar, 12 of who were identified as trafficking victims. In November a court in Doboj sentenced the former owner of the "Vila" nightclub to 3 years in prison for promoting prostitution. This was the longest sentence to a nightclub owner on prostitution-related charges.

The Government supports limited prevention and protection measures. Law enforcement actions targeting the sex industry have been infrequent, but have on occasion resulted in the detention, incarceration, and deportation of trafficked women. The country's deportation laws permit local police to release trafficked individuals into neighboring jurisdictions or across the border in Croatia. In the fall of 1999, the OHR issued directives governing police raids on brothels to ensure that trafficked women were provided assistance. While

these directives reportedly have been followed, raids were infrequent.

Although the U.N. maintains a program that provides some legal support to trafficked women, trafficking victims are not encouraged to pursue civil suits against their traffickers. In many cases women are afraid to testify against their traffickers and the judicial system offers them little protection. Witnesses often are threatened by traffickers to discourage them from testifying. Local officials have been slow to bring charges of intimidation. The judicial system, beset by fundamental procedural flaws and massive case backlogs, offers only minimal prospects of redress for plaintiffs in civil litigation.

The IOM and several NGO's, both local and foreign, addressed the problem of trafficking. The IOM has established a program to repatriate trafficked women who seek to return home. There are a number of shelters that house trafficked women while they await return to their countries of origin. Nevertheless public awareness of the problem is low, and trafficking is tolerated, if not accepted, at all levels of society and is regarded as a "victimless crime" or as a phenomenon that only effects foreign nationals.